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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/762,044

01/21/2004

Stephen J. Todd

E0295.70195US00

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11/27/2006

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EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT

PAPER NUMBER

2161

DATE MAILED: 11/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/762,044

Applicant(s)

TODD ET AL.

Examiner

Etienne P. LeRoux

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-80 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-80 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

*Claim Status*

Claims 1-80 are pending. Claims 1-80 are rejected as detailed below.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10 and 20-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Pub

No US 2004/0249871 issued to Bazoon (hereafter Bazoon).

Claims 1 and 20:

Bazoon discloses:

(A) receiving, at the at least one storage system, a request from the at least one host to reduce a length of the retention period for the at least one unit of data; and (B) reducing the length of the retention period for the at least one unit of data in response to the request [paragraph 22].

Claims 2 and 21:

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Bazoon discloses wherein the request comprises an event command indicating the occurrence of an event [determination of usefulness, paragraph 22]

Claims 3 and 22:

Bazoon discloses wherein the event command does not specify the manner in which the retention period is to be reduced, and wherein the act (B) further comprises an act of determining the manner of reducing the retention period by referring to information stored within or accessible to the storage system [determination of usefulness, paragraph 22]

Claims 4 and 23:

Bazoon discloses wherein the request specifies that the retention period be reduced and the manner in which the length of the retention period is to be reduced [determination of usefulness, paragraph 22].

Claims 5 and 24:

Bazoon discloses wherein the at least one storage system stores the previously-defined retention period within the unit of data, and wherein the act (B) further comprises replacing the unit of data with a new unit of data having the reduced retention period [paragraph 22].

Claims 6 and 25:

Bazoon discloses wherein the at least one storage system stores the previously-defined retention period in a record outside of the unit of data, and wherein the act (B) further comprises modifying the record to reduce the previously-defined retention period [paragraph 22].

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Claims 7 and 26:

Bazoon discloses wherein the at least one storage system is a content addressable storage system that is responsive to access requests from the at least one host that reference a content address for the unit of data that is generated based on the content of the unit of data [paragraph 22].

Claims 8 and 27:

Bazoon discloses wherein the content address the unit of data is generated based on only a first portion of the content of the unit of data and not on a second portion of the content of the unit of data [paragraph 22, useful and not-useful].

Claims 9 and 28:

Bazoon discloses wherein the at least one storage system stores the previously-defined retention period in the second portion of the content of the unit of data on which generation of the content address is not based, and wherein the act (B) further comprises an act of reducing the previously-defined retention period specified in the second portion of the content of the unit of data [paragraph 22] .

Claim 10 and 29:

Bazoon discloses wherein the act (B) further comprises acts of: (B1) determining whether the previously-defined retention period for the unit of data is permitted to be reduced; and (B2) reducing the length of the previously-defined retention period only when the previously-defined retention period for the unit of data is permitted to be reduced [paragraph 22].

*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11, 12, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bazoon in view of Pub No US 2005/0076293 issued to Beresnevichiene (hereafter Beresnevichiene).

Claims 11 and 30:

Bazoon discloses the elements of claims 1/20 as noted above but does not disclose wherein the act (B1) further comprises determining whether at least one of the unit of data and the previously-defined retention period is within a class designated as capable of having the retention period reduced. Beresnevichiene discloses wherein the act (B1) further comprises determining whether at least one of the unit of data and the previously-defined retention period is within a class designated as capable of having the retention period reduced [paragraph 7]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bazoon to include wherein the act (B1) further comprises determining whether at least one of the unit of data and the previously-defined retention period is within a class designated as capable of having the retention period reduced as taught by Beresnevichiene for the purpose of deciding when to delete a particular type of document [paragraph 7].

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Claims 12 and 31:

The combination of Bazoon and Beresnevichiene discloses the elements of claims 1, 10 and 11 as noted above and furthermore discloses wherein the act (B1) further comprises determining whether at least one of the unit of data and the previously-defined retention period is within the class designated as capable of having the retention period reduced by examining the previously-defined retention period [Beresnevichiene, paragraph 7]

Claims 13 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bazoon and Beresnevichiene and further in view of US Pat No 6,690,774 issued to Chang et al (hereafter Chang).

Claims 13 and 32:

The combination of Bazoon and Beresnevichiene discloses the elements of claims 1, 10 and 11 as noted above but does not disclose wherein the act (B1) further comprises determining whether at least one of the unit of data and the previously-defined retention period is within the class designated as capable of having the retention period reduced by examining a flag associated with the unit of data. Chang discloses wherein the act (B1) further comprises determining whether at least one of the unit of data and the previously-defined retention period is within the class designated as capable of having the retention period reduced by examining a flag associated with the unit of data [col 10, lines 20-30]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination of references to include wherein the act (B1) further comprises determining whether at least one of the unit of

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data and the previously-defined retention period is within the class designated as capable of having the retention period reduced by examining a flag associated with the unit of data as taught by Chang for the purpose of deciding whether to keep the voicemail record [col 10, lines 25-30].

Claims 14, 15, 17, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bazoon.

Claims 14, 15 and 33:

Bazoon discloses the elements of claim 1 as noted above but does not disclose wherein the act (B) further comprises an act of reducing the length of the previously-defined retention period to zero. However, Bazoon discloses reducing the retention period [paragraph 22]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bazoon to include wherein the act (B) further comprises an act of reducing the length of the previously-defined retention period to zero for the purpose of removing an outdated document [Bazoon, paragraph 66].

Claim 17 and 34:

Bazoon discloses creating a new unit of data to replace the deleted unit of data, the new unit of data having a retention period shorter than the previously-defined retention period [paragraph 22]



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Claims 16-19 and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bazoon in view of US Pat No 6,542,895 issued to DeKimpe et al (hereafter DeKimpe).

Claims 16, 18, 35 and 37:

Bazoon discloses the elements of claims 1,15 as noted above but does not disclose creating an audit log entry that records information about the deletion of the unit of data.

DeKimpe discloses creating an audit log entry that records information about the deletion of the unit of data [col2, lines 45-60]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bazoon to include creating an audit log entry that records information about the deletion of the unit of data as taught by DeKimpe for the purpose of creating a record of changes to the database [col 2, lines 45-50].

Claims 19 and 36:

The combination of Bazoon and DeKimpe discloses the elements of claims 1 and 18 as noted above and furthermore discloses an act of maintaining on the storage system at least one record for the unit of data, the at least one record storing a history of the reduction of the previously defined retention period [DeKimpe, col 2, lines 45-50].

Regarding claims 38-80, examiner maintains that claims 38-80 can be rejected on a similar basis to claims 1-37 as noted above.

*Response to Arguments*

Applicant's arguments filed 10/17/2006 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached on Monday-Friday, 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Etienne LeRoux

11/20/2006



Primary Examiner